ORDINANCE NO. <u>76-1</u>2

AN ORDINANCE AMENDING THE 2009 UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FORT SMITH

WHEREAS, the Board of Directors passed and approved Ordinance No. 36-09 which adopted the Unified Development Ordinance on May 19, 2009; and,

WHEREAS, it is necessary to amend certain sections of the Unified Development

Ordinance to provide clarity and remove conflicts with other provisions of the municipal code;
and,

WHEREAS, the Planning Commission held a public hearing regarding these amendments and recommended on September 11, 2012, that said changes be made; and,

WHEREAS, three (3) copies of October 2012 Amendments to the Unified Development Ordinance have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance; and,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH THAT:

SECTION 1: The October 2012 Amendments to the Unified Development Ordinance (Industrial Land Use Amendments – Appendix A) are hereby adopted.

SECTION 2: The codifier shall codify the new sections and amend the existing sections of the Unified Development Ordinance.

SECTION 3: It is hereby found and determined that the adoption of these amendments to the Unified Development Ordinance is necessary to alleviate an emergency created by the lack

of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendments be effective, and the amendment is hereby made effective, as of the date of approval of this Ordinance.

PASSED AND APPROVED THIS 29 DAY OF

APPROVED:

Mayor

ATTEST:

Approved as to form:

OCTOBER 2012 AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE

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| Sewing machine store (sales & service) | Gift shop | Clothing, jewelry, luggage, shoes, accessories | Cameras, photographic supplies and services | Bridal shop | Bookstore | Biovole sales and service | Durable Consumer Goods Sales or Service | Truck or tractor sales and service facility | Swimming pool sales and supply store (w/o storage yard) | Sand, gravel, stone, or earth sales and storage | Oil and gas equipment (sales and service) | Manufactured home and mobile home sales and service | Mall or shopping center | Lumber yard and building materials | Locksmith | Lawn and garden supplies | Home improvement center | Hardware store (neighborhood) | Hardware store | Greenhouse (sales) | Furniture repair and upholstery shop | Furniture of home furnishings (new) | Floor, paint, wall coverings, window treatments | Electronics and appliances (used) | Electronics and appliances (new) | Computer and software shop | Department store, warehouse club or superstore | Commercial, industrial machinery & equipment (sales & service) | Clothing and personal items (repair) | Bus, truck sales and service | Appliance repair (Small) | Appliance repair - (Large) | Agricultural equipment and supplies | Heavy Consumer Goods Sales or Service | Truck stop/travel plaza | Tire sales | Motorcycle or ATV sales & service | Gasoline service station | Car wash self-service | Car wash - full service | Use, A = | |
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| Conditional Use, A = Accessory Use Ref. R. S. S. S. S. S. S. S. S. S. S. S. S. S. | | В | В | Personal | < | 20 : | 20 | R | Z. | × | F | <u>ا</u> | B. | В | Food Services | | | | | | | | Ac | | | | | | | | | | | | | | | | | | Pr | P = Permitted Us | |
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| Ref. | Laundry (commercial/industrial) | arber shop/salon/spa/massage services | ail bonds office | Services | endina | estaurant (with outdoor dining) | estaurant (with drive-through services) | estaurant (with drive-in services) | estaurant | obile food services | od distribution center | atering service | er garden | ar or tavern | _ | Telemarketer/call center | Office and administrative services | Facilities support services | Employment agency (day labor) | Employment agency | Collection agency | Business support services | Iministrative Services | Travel arrangement and reservation services | Real estate agency | Property management services (office only) | Offices, general | _ | | Medical laboratory | Janiforial services | Investigation and security services | Graphic, industrial, interior design | Extermination and pest control | Consulting services | Carpet and upholstery cleaning | Architectural, engineering | Advertising and media services | Accounting, tax, bookkeeping,payroll | Abstract services | ofessional Services | e, C = Conditional Use, A = Accessory Use | Districts |
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| Acid manufacturing | Chemicals, Metals, Machinery, and Electronics Mfg. | Wood products manufacturing plant | Paper and printing materials | Manufacturing, packaging material | Manufacturing, boxes/containers/corrugated | Furniture or home furnishings | Cabinet and woodwork shop | Wood, Paper and Printing Products | Tobacco manufacturing | Textiles | Leather and allied products | Food and beverage processing | Clothing manufacturing | Animal food processing | Food, Textiles and Related Products | Manufacturing and Wholesale Trade | Parking lot (off site) | Parking lot (commercial) | Parking garage | Automobile Parking Facilities | Veterinary clinic (with outdoor kennels) | Veterinary clinic (no outdoor kennels) | Pet supply store | Pet shop | Pet cemetery | Kennels | Equestrian facilities | Animal shelter | Animal and pet services (outdoor) | Animal and pet services (indoor) | Pet and animal services | Weight loss centers | Tattoo/body piercing parlor | Tanning salons | Tailor shop | Shoe repair shop | Print shop | Photography studio | Photocopy shop | Laundry, cleaner (drop-off station) | Laundry, cleaner | P = Permitted Use, C = Conditional Use, A = Accessory Use | Dis |
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| Airport Airport | Transportation, Communication, Information and Utilities | vvarenouse Information and Italities | Vehicle storage yard | Portable storage Unit | Petroleum distribution facility | Packaging and distribution center | Mini storage warehouse | Container storage | Bulk petroleum storage | Building materials salvage yard | Auto salvage yard | Warehouse and Storage Services | Nondurable goods | Electrical, plumbing, heat & air conditioning | Durable goods | Wholesale Trade Establishment | Office supplies | Manufacturing, motors, drives, and generators | Manufacturing, medium | Manufacturing, light | Manufacturing, heavy | Manufacturing, foam products | Manufacturing, fibergass | Manufacturing, batteries | Jewelry and silverware | Dolls, toys, games, musical instruments | Boat manufacturing | Barge and ship manufacturing | Auto manufacturing | Miscellaneous Manufacturing | Tip satisfaction | Refinery | Pharmaceutical manufacturing | Petroleum and coal products | Nonmetallic manufacturing | Machine, welding, or sheet metal shop | Laboratory (manufacturing) | Foundary or metal-works facility | Explosives manufacturing | Electrical equipment, applicance and components mig | Chemicals, plastics and rubber industry | Permitted Use, C = Conditional Use, A = Accessory Use | Districts |
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| Museums and Other Special Purpose Recreational Institutions | Fairground/rodeo ground | Carnival or circus (temporary with permit) | Performance theater | Movie theater | Drive-in theater | Performing Arts or Supporting Establishments | Arts, Entertainment, and Recreation | Wastewater treatment plant | Utility substation | Utility shop, storage yard or building | Solid waste collection | Sanitary landfill | Recycling collection station | Recycling center | Radio, television, and microwave transmitting towers | Nuclear power plant | Incinerator | Hazardous waste treatment and disposal | Electric power plant | Amateur radio transmitting towers | Utilities and Utility Services | Telecommunications and broadcasting studios | Printing commercial/industrial | Motion pictures and sound recording studios | Data processing facility | Commercial communication towers | Communications and Information | Taxicab service | Rail transportation | Port facility | Pipeline transportation | Moving company | Moving and storage | Motor freight terminal | Marina | Mail services | Limousine service | Heliport | Ferry boat facility | Courier and messenger services | Bus station and terminal | Permitted Use, C = Conditional Use, A = Accessory Use | Districts |
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| | L | ס | | | | | | | C | | | | ဂ | | ס | | | | | 70 | L | ס | | ס | ס | ס | | Ц | | L | | | | | | ס | + | > | _ | ٦ | | _ | C-3 |
| | L | o | ٦ | ъ | | | | | C | | L | | ဂ | | ס | | | | | ס | | ס | | - | ס | - | | | | L | L | | | L | - | 7 | + | Þ | | ס | H | _ | C-4 |
| | τ | ס | ٦ | ₽ | ဂ | | | | C | റ | | | ဂ | | ס | | | | | P | _ | ס | - | - | ס | - | | ס | | L | L | ס | - | L | L | + | | ≥ | | _ | C | _ | C-5 |
|) | | P | D | ס | | | | | C | | L | | ဂ | | ဂ | | | | | C | _ | ٦ | _ | ס | ٦ | ဂ | | | ס | | | - | L | _ | L | _ | | > | _ | | | | C-6 |
| | T | ס | | | ဂ | | | L | ٥ | ٦ | L | | ס | ဂ | ъ | | | | C | 70 | | - | - | _ | ס | P | | - | ס | | | 70 | P | ס | ם | P | P | 0 | 0 | 0 | C | -1,2 | I-1 |
| | τ | 0 | | | | | | ס | ס | ס | ט | | 10 | U | ס | | | | ဂ | ס | | ס | ס | ס | | ס | | ס | v | ס | P | ס | þ | ס∣ו | ס | 14, | T | ס | ס | ס | 10 | نة | 1-2 |

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| ם הוא | | | | | | | | | Educat | ation, Pu | Park or | Natural | Camps | Camps, | Andici hair | Water park | Swimmi | Sports | Skating rink | Sexually | Pool hall | Miniatur | Indoor | Fitness studio | Health club | Pistol Ra | Golf course | Driving i | Commu | Bowling alley | Fitness | Race track | Private club | Dance h | Country club | Casino | Bingo parlor | Convent | Amusen | Amusen | Amuser | | | ermitted L | |
| Administrati | oction, pusi | School Fusi | Primary and | Preschool | Nursery school | Library or pu | Fine art and | College, univ | Educational Services | blic Adminis | playground (| and Other | camping, ai | camping, a | 2 | ark book | חמים חסום | Snorts complex/athletic field | rink | Sexually oriented business (see | - | Miniature golf course | Indoor Games Facility | studio | ăub — | Pistol Range (Indoor) | rse | Driving range (outdoor) | Community recreation center | alley | , Recreation | ick | dub | Dance hall/night club | club | Casino gaming business | arlor | Convention/Event center | Amusement center (outdoor) | Amusement center (indoor) | nent, Sports | Zoos, botanii | Museum | Jse, C = Cor | |
| Public Administration - Government | School, pusitiess professional | School business professional | secondary ec | | ool | Library or public arts complex | Fine art and performance education | College, university, or seminary | es | Education, Public Administration, Health Care and | Park or playground (public and nonpublic) | Natural and Other Recreational Parks | Camps, camping, and related establishments | Camps, camping, and Related Establishments | | | one income | stic field | | siness (see Ft. | | | lly | | | <u>)</u> V 3 | | or) | n center | | Fitness, Recreational Sports, Athletic Club | | | | | less | | nter | outdoor) | ndoor) | Amusement, Sports, or Recreation Establishment | Zoos, botanical gardens, arboreta | | Permitted Use, C = Conditional Use, A = Accessory Use | |
| non+ | Origi | 200 | 100 | | | olex | education | inary | | th Care and | npublic) | Parks | Dishinents | Stabilshine | | | | | | . Smith Mun | | | | | | 6. st | | | | | hletic Club | | | | | | | | | | on Establis | rboreta | | , A = Acces | |
| | | | | | | | | | | Other Institutions | | | | | | | | | | Smith Muni. Code Sec. 14-141) | | | | | | 1 1 | | | | | | | | | | | | | | | hment | | | sory Use | Districts |
| | H | 0 | 5 0 | 5 0 | 5 | | | C | | utions | 6 | | ŀ | | - | 1 | 1 | 1 | | 4-141) | | | | | | | | | | | | | - | | C | | | | | | | | | | RE3 |
| t | t | (| | 5 | 5 | | Ħ | C | r | Г | 6 | | T | Ť | Ť | † | † | 1 | T | П | Г | П | | П | | | | П | | П | П | П | T | | C | | | | Т | Г | | П | Г | Г | RE1 |
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| T | t | + | | + | 5 | - | | C | | T | C | , | t | t | t | † | 1 | 1 | | | | ī | | Ε | | | C | | | П | П | | | | C | | | | | | | | | R-2 | RS-2 |
| t | t | 0 | | 5 | 5 | ဂ | | C | - | r | c | + | T | t | 1 | † | 1 | 1 | | ī | | | | П | | П | C | П | | | | | | | C | | | | | | | | | P.3 | RS-3 |
| 1 | t | (| 5 0 | 5 | 5 | C | _ | C | | l | c | , | t | T | t | 1 | 1 | 1 | | | | - | | | | | C | | | | | | | | C | | | | | | | | | P. | RS-4 |
| 1 | | - | 2 (|) (| ဂ — | _ ი | _ | C | | _ | C | , | - | 1 | - | - | - | | | _ | | | _ | | | | C | | | | | | | | c | | | | | _ | | | | 72-6 | RS-5 |
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| C |) (| 2 | 2 | ا د | റ | റ | C | C | | | c |) | | | | - | 0 | ဂ | ס | ס | _ | _ | | _ | _ | ဂ | _ | _ | _ | ס | _ | | ס | 70 | | | 70 | ס | C | 0 | | 9 | 7 | | C-6 |
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| Landscaping contractor | Glass sales and service | Contractor's shop and storage yard | Contractor's office | Construction-Related Businesses | Lodge or fraternal organization | Associations, Nonprofit Organizations | Monument (sales) | Monument (manufacturing) | Cemetery, mausole | Death Care Services | Wedding chapel | religious institutio | Note: educational/hospita | Rectory, convent, monastery | Church, synagogue, temple, mosque | Religious Institutions | Vocational rehabilitation | Senior citizen center | Family support services | Emergency and relief services | Community food services | Day care center | Day care Home (12 or less) | Child and youth services (office) | Social Assistance, Welfare, and Charitable Services | Substance abuse treatment facility | Nursing home | Mental health hospital | Hospital | Hospice residential care facility | Doctor office and clinic | Diagnostic laboratory testing facility | Community health and welfare clinic | Health and Human Services | Police substation (no incarceration) | Police station | Fire and rescue station | Emergency response station | Public Safety | Government office | Detention facility | Criminal justice facility | Permitted Use, C = Conditional Use, A = Accessory Use | |
| | | ge yard | | 3 | rganization | rganizations | | cturing) | Cemetery, mausoleum, crematorium, funeral home, & mortuary | | | religious institutions are classified by use not ownership | educational/hospital facilities owned or run by | onastery | temple, mosque | | ation | | ices | ef services | vices | | or less) | vices (office) | e, and Charitable Services | eatment facility | | lal | | care facility | nic | y testing facility | nd welfare clinic | S | o incarceration) | | ion | e station | | | | ity | al Use, A = Accessory Use | Districts |
| + | 4 | _ | | | _ | _ | | | & mor | | | vners | | | | | | | | | | | n | | | _ | | | | | _ | | _ | _ | C | | ဂ | | _ | | | | H | RE3 |
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| + | + | - | - | | Н | | - | - | | H | _ | H | | - | 0 | - | H | | - | _ | H | - | C | Н | - | Ħ | Н | | H | _ | | | | H | C | | C | | H | | Н | | 1 R-2 | RS-2 |
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| υ - | U | P | ס | ij | P | | סו | U | C | | | | | × | C | | O | סו | סו | T | C | C | | | | | | | | | ס | ט | က | | ס | 0 | U | ס | | S. | C | O | 11,2 | 1-1 |
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| 0 - | 9 | יס | סו | Ì | | | | | | | | Г | | | | | | | | | | | П | | Г | | Г | П | | | | | | | v | 0 | 7 | 9 | | Γ | | | T | 1-3 |

| | Fishing, Hunting and Tra | Forestry and Logging | Fort Smith city limits | the collection or keeping | Note: Section 4-5 of the Fort Smith Municipal Code prohibits | Animal slaughter and processing | Tanning and Slaughtering of Animals or Fowl | Commercial grower | Stockyard Liveston | Grain storage and processing | Agriculture, Forestry, Fishing, and Hunting | Non-metallic manufacturing and mining | Metallic mining | Coal mining | Mining and Extraction Establishments | Sign contractor | P = Permitted Use, C = Conditional Use, A = Accessory Use | |
|--------|---|----------------------|------------------------|---|--|---------------------------------|---|-------------------|--|------------------------------|---|---------------------------------------|-----------------|-------------|--------------------------------------|-----------------|---|-------------------|
| | Fishing, Hunting and Trapping, Game Preserves | | | the collection or keeping of hogs or swine within the | mith Municipal Code prohi | and processing | ng of Animals or Fowl | er | Stockyard Livestock yard, feed lot, holding pens, and auction facility | processing | and Hunting | g and mining | | | ıments | | nal Use, A = Accessory Us | Districts |
| | | | | the | bits | | | | ns, and auction t | | | | | | | | se | RE3 |
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